REMARKS

Summary

Claims 7-9, 12, 19 and 22 are currently being examined. Claims 7, 19 and 22 have been amended without adding new matter. Applicant respectfully requests reconsideration of Claims 7-9, 12, 19 and 22 in view of the amendments above and the remarks below.

Rejections Under 35 U.S.C. § 101

Claim 19 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action states that the claim must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform the underlying subject matter (such as an article or material). Claim 19 has been amended to more particularly tie the claim to a particular apparatus. The rejection under 35 U.S.C. § 101 is believed to have been overcome. Accordingly, Applicant requests withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103

Claims 7-9, 12, 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hannuksela et al. (U.S. 2001/0040700 A1) (hereinafter, "Hannuksela et al."), Klein Gunnewiek et al. (U.S. 2003/0086622 A1) (hereinafter, "Gunnewiek et al."), and Lee (US 2003/0156198 A1 (hereinafter, "Lee").

Claim 7 Is directed to an image processing apparatus. The image processing apparatus of Claim 7 includes: "an input unit configured to input image data; a first coding unit configured to encode the input image data by transforming the input image data into frequency components in units of blocks and coding said frequency components in an intracoding mode; a second coding unit configured to encode the input image data using reference data which is obtained by performing local decoding on the image data encoded by said first

coding unit in an intercoding mode; a storing unit configured to store the reference data; a pseudo-coded reference data generating unit configured to generate pseudo-coded reference data by coding frequency components obtained by limiting frequency components which are stored in the storing unit; a switching unit configured to output the pseudo-coded reference data generated by said pseudo-coded reference data generating unit when coding is performed in the intercoding mode; and a multiplexing unit configured to output a stream of multiplexed data obtained by storing the pseudo-coded reference data outputted by the switching unit into a user data area in a video plane object in a stream of the image data encoded by the first coding unit in a case where the coding is performed in the intercoding mode, and to output a stream of data in which the pseudo-coded reference data is not stored in a case where the coding is performed in the intracoding mode."

The Klein Gunnewiek et al. reference discloses a switch (i.e., switch 366) for outputting enhancement data (Fig. 3). The enhancement data indicates a difference between data generated by upsampling image data locally decoded in the base encoder 312 and input image data. That is to say, a structure that a difference image is generated from a base image and an enhanced image is required for the spatial scalable coding.

On the other hand, the pseudo-coded reference data of Claim 7 is occasional reference data generated from reference data used for encoding in an intracoding mode. Therefore, even if a frame of image data encoded in the intracoding mode cannot be normally decoded in a decoding process, the frame of image data can be decoded using the occasional reference data.

Thus, the enhancement data of the Klein Gunnewiek et al. reference is different from the pseudo-coded reference data of the claims of present application. Furthermore, the Klein Gunnewiek et al. reference fails to teach or suggest the feature of Claim 7 of "a pseudo-coded reference data generating unit configured to generate pseudo-coded reference by coding frequency components obtained by limiting frequency components which are stored in the storing unit."

The other cited and applied references, i.e., the Hannuksela et al. reference and the Lee reference do not cure the above-described deficiencies of the Klein Gunnewiek et al. reference. As described above, the cited and applied references, taken either alone or in combination, do not teach or suggest all of the features of Claim 7. Claim 7 is not rendered obvious by the cited and applied references. Claim 7 is believed to be allowable. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of Claim 7.

Independent Claims 19 and 22 include similar features to Claim 7 and are believed allowable for at least the same reasons as Claim 7.

Because each independent Claim is believed allowable, all of the claims depending therefrom, i.e., Claims 8-9 and 12, are also believed allowable for at least the same reasons as discussed above with reference to the independent claims. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

CONCLUSION

Applicant respectfully submits that all of the claims pending in the application meet the requirements for patentability and respectfully requests that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact Applicant's representative at the telephone number below.

Respectfully submitted,

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Date   Marlene Klein, Reg. No. 43,718
                                                         Patent Attorney for Applicant

Canon U.S.A. Inc., Intellectual Property Division
15975 Alton Parkway
Irvine, CA 92618-3731

Telephone: (949) 932-3132
Fax: (949) 932-3560